

U.S. Pat. App. No.: 09/971,080
Atty. Docket No.: 006004.00004

directed to the sharing of wireless telephone services, such as voicemail services, communication services and the like, between a personal wireless telephone and a vehicular wireless telephone.

Applicant respectfully submits that no combination of the Fitzgerald and Hermann et al. patents would teach or suggest the invention as recited in any of claims 1-36, 38-41, 43-47, and 50-54.

For example, claims 1-31 recite a vehicular wireless telephone integrated into a vehicle and a personal wireless telephone. This feature is not taught or suggested by either the Fitzgerald patent or the Hermann et al. patent. The Fitzgerald patent discloses that an intelligent device controller 100 may be connected to some type of device in an automobile 138 through a wireless interface 150. (See, e.g., Fig. 1 and column 3, lines 8-16.) The Fitzgerald patent does not teach or suggest, however, that the unnamed device is a wireless telephone integrated into the vehicle. Likewise, the Hermann et al. patent does not teach or suggest a wireless telephone integrated into a vehicle. As noted by the Examiner, the Hermann et al. patent does briefly disclose:

The present scheme can be used in wireless local networks which are deployed in warehouses, on manufacturing floors, in offices, on trading floors, in private homes, in cars and trucks, in airplanes, and outside of buildings, just to mention some examples. (See column 6, lines 47-51.)

This passage only identifies the locations in which a wireless local network using the Hermann et al. system may be employed. It does not, in any way, suggest the use of a particular device in such a wireless local network, much less a wireless telephone integrated into a vehicle.

Claims 32-36 similarly recite configuring a personal wireless telephone to communicate with a vehicular wireless telephone, while claims 38-41 recite configuring a vehicular wireless telephone to communicate with a personal wireless telephone. As discussed in detail above,

U.S. Pat. App. No.: 09/971,080
Atty. Docket No.: 006004.00004

neither the Fitzgerald patent nor the Hermann et al. patent teach or suggest a vehicular wireless telephone. Accordingly, Applicant respectfully submits that no combination of the Fitzgerald and Hermann et al. patent would teach or suggest the features of the invention recited in these claims.

Claims 43-47 and 50 then recite a first wireless telephone subscribed to receive one or more services from a wireless service provider, and a second wireless telephone sharing at least one service of the one or more services with the first wireless telephone. Claims 51-54 similarly recite subscribing a first wireless telephone service to receive one or more services from a wireless service provider, and arranging for at least one of the one or more services provided to the first wireless telephone to be shared with a second wireless telephone. Again, Applicant respectfully submits that the features of the invention recited in these claims are not taught or suggested by either the Fitzgerald patent or the Hermann et al. patent.

The Fitzgerald patent discloses an intelligent device controller 100 that establishes a private network 102 for facilitating communication between attached devices 120-140, which may include a telephone 130. While the Fitzgerald patent further teaches that the intelligent device controller 100 may be connected to a cellular network 108, it does not teach or suggest that services, provided by a wireless service provider to a first wireless telephone, are shared with a second wireless telephone.

With regard to the Hermann et al. patent, the Examiner has argued that the Hermann et al. patent "teaches that wireless telephones/devices can use services provided or rendered by other devices..." (See Office Action, page 2, lines 20-21.) Applicant respectfully points out, however, that the Hermann et al. patent does not teach or suggest sharing services provided by a wireless

U.S. Pat. App. No.: 09/971,080
Atty. Docket No.: 006004.00004

service provider. Instead, as noted by the Examiner, the Hermann et al. patent only teaches the sharing of services provided locally by another device. For example, the two services specifically noted in the Hermann et al. patent relate to a wristwatch offering a time service and an MPEG headphone offering the service of producing sound from an MPEG MP3 file. (See, e.g., the Hermann et al. patent, column 8, line 58 to column 9, line 2.) Thus, no combination of the Fitzgerald and Hermann et al. patents would teach or suggest the features of the invention recited in claims 43-47 and 50-54.

As discussed in detail above, Applicant submits that no combination of the Fitzgerald patent with the Hermann et al. patent would teach or suggest the features of the invention recited in any of claims 1-36, 38-41, 43-47 and 50-54. Applicant therefore asks that the rejection of these claims be withdrawn.

Claims 37, 42, 48 and 49 then were rejected under 35 U.S.C. §103 over the combination of the Fitzgerald and Hermann et al. patents, and in further view of U.S. Patent No. 6,246,755 to Walker. Applicant respectfully traverses this rejection, and asks for its reconsideration. As addressed in detail above, Applicant respectfully urges that no combination of the Fitzgerald and Hermann et al. patents would teach or suggest the features of the invention recited in these claims. Further, it is courteously submitted that the Walker et al. patent does not remedy the above-described omissions of the Fitzgerald and Hermann et al. patents. Applicant therefore asks that the rejection of claims 37, 42, 48 and 49 be withdrawn as well.

It is believed that no fees are due for the entry and consideration of this Request. If, however, the Commissioner deems that fees are required for the entry and consideration of this

U.S. Pat. App. No.: 09/971,080
Atty. Docket No.: 006004.00004

Request, the Commissioner is hereby authorized to charge any fees deemed necessary to maintain the pendency of this application, including any fees under 35 U.S.C. §1.16 and §1.17, to the deposit account of the undersigned, Deposit Account No. 19-0733. Please consider this Amendment as timely filed.

In view of the above amendments and remarks, Applicants respectfully submit that all of the claims are allowable, and that this application is therefore in condition for allowance. Applicants courteously ask for favorable action at the Examiner's earliest convenience.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By: Thomas L. Evans

Thomas L. Evans, Reg. No. 35,805
1001 G Street, N.W., 11th Floor
Washington, D.C. 20001-4597
Telephone: (202) 824-3000
Facsimile: (202) 824-3001

October 18, 2004